

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TX

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REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:

ANADARKO PETROLEUM
CORPORATION

Respondent

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CONSENT AGREEMENT FINAL ORDER
USEPA Docket No. RCRA-06-2018-0903

CONSENT AGREEMENT AND FINAL ORDER

I.
PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order ("CAFO") is entered into by the United States Environmental Protection Agency, Region 6 ("EPA" or "Complainant") and Respondent, Anadarko Petroleum Corporation ("Anadarko" or "Respondent") and concerns seven (7) Off-Shore facilities and two (2) On-Shore facilities. The facilities that are covered by this CAFO (the "Facilities") are:

- A. INDEPENDENCE HUB- MISSISSIPPI CANYON920;
- B. MARCO POLO- GREEN CANYON608;
- C. LUCIUS- KEATHLEY CANYON875;
- D. GUNNISON- GARDEN BANKS668;
- E. CONSTITUTION- GREEN CANYON BLOCK680;
- F. BOOMVANG EAST BREAKS643;
- G. NANSEN EAST BREAKS602;

H. FOURCHON SHOREBASE, C-Port 1, LOUISIANA; and

I. GALVESTON, TEXAS

2. Notice of the commencement of this action has been given to the states of Louisiana and Texas, under Section 3008(a)(2) of Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2) for the facilities that are listed in Paragraph 1.H. and I, respectively.

3. For the purpose of these proceedings, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and alleged violations contained in this CAFO.

4. Respondent explicitly waives its right to appeal the proposed final order contained in this CAFO.

5. This CAFO resolves only those violations which are alleged herein.

6. This CAFO covers the violations alleged herein and for the specific periods set forth in Section IV of this CAFO and for the period covered by Section V, Compliance Order, Paragraph 158 of this CAFO.

7. Respondent consents to the issuance of the CAFO hereinafter recited, consents to the assessment and payment of the stated civil penalty in the amount and by the method set out in this CAFO, and consents to the specific stated compliance order as set forth in Section V, Compliance Order, Paragraph 158 of this CAFO.

II. JURISDICTION

8. This CAFO is issued by the EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously commenced and concluded through the issuance of this CAFO under 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

9. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by the EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of the EPA to issue or enforce this CAFO; and agrees not to contest the validity of this CAFO or its terms or conditions.

III.

STATUTORY AND REGULATORY BACKGROUND

10. Federal regulation of hazardous waste is primarily based on RCRA, enacted on October 21, 1976 to amend the Solid Waste Disposal Act, and the Hazardous and Solid Waste Amendments (“HSWA”) enacted by Congress in 1984 to further amend the Solid Waste Disposal Act. RCRA establishes a “cradle-to-grave” program to be administered by the Administrator of EPA and authorized states for regulating the generation, transportation, treatment, storage, and disposal of hazardous waste. See 42 U.S.C. § 6901 *et seq.*

11. RCRA’s Subchapter III (RCRA §§ 3001-3023, 42 U.S.C. §§ 6921-6940, known as “Subtitle C”) required EPA to promulgate regulations establishing performance standards applicable to facilities that generate, transport, treat, store, or dispose of hazardous wastes. Together, RCRA Subtitle C and its implementing regulations, set forth at 40 C.F.R. Parts 260 – 279, comprise EPA’s RCRA hazardous waste program.

12. Pursuant to its authority under RCRA, EPA has promulgated regulations at 40 C.F.R. Parts 260 through 272 applicable to generators, transporters, and treatment, storage, and disposal facilities. These regulations generally prohibit treatment, storage, and disposal of hazardous waste without a permit or equivalent “interim status.” They prohibit land disposal of certain hazardous wastes, and provide detailed requirements governing the activities of those who generate hazardous waste and those who are lawfully permitted to store, treat, and dispose of hazardous waste.

13. Pursuant to 40 C.F.R. § 261.2, a “solid waste” is any discarded material that is not otherwise excluded under 40 C.F.R. § 261.4(a), or that is not excluded by variance. A discarded material is any material which is abandoned, recycled, inherently waste-like, or a military munitions. Materials are solid waste, as defined in 40 C.F.R. § 261.2, if they are abandoned by being disposed of, burned or incinerated, or accumulated, stored, or treated (but not recycled) before, or in lieu of, being abandoned by being disposed of, burned, or incinerated.

14. A solid waste is a hazardous waste if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), and it exhibits any of the characteristics of hazardous waste identified in 40 C.F.R. Part 261, Subpart C or it is listed in C.F.R. Part 261, Subpart D.

15. Characteristic hazardous wastes are assigned “D” codes in 40 C.F.R. Part 261, Subpart C, depending on the specific hazardous characteristic that the waste exhibits.

16. An ignitable hazardous waste has a flash point of less than 60 degrees centigrade (140 degrees Fahrenheit) and is assigned the D001 hazardous waste code pursuant to 40 C.F.R. § 261.21.

17. A corrosive hazardous waste has a pH of less than or equal to 2.0 or greater than or equal to 12.5 and is assigned the D002 hazardous waste code pursuant to 40 C.F.R. § 261.22, and a reactive hazardous waste is assigned the D003 hazardous waste code pursuant to 40 C.F.R. § 261.23.

18. Listed waste are assigned with “F”, “K”, “P”, and “U” codes in 40 C.F.R. Part 261, Subpart D, depending on the specific waste generated from a non-specific source, a specific source, or discarded commercial chemical products, off-specification species, container residues and spill residues therefrom.

19. 40 C.F.R. Parts 264 and/or 265 applies to owners and operators of facilities that treat, store and/or dispose of hazardous waste.

20. The relevant RCRA statutory and regulatory requirements to this CAFO require that generators of solid waste and hazardous waste must, among other things:

- A. Determine whether their generated solid wastes are hazardous, pursuant to 40 C.F.R. § 262.11;
- B. Comply with the statutory notification requirements of Section 3010 of RCRA, 42 U.S.C. § 6930;
- C. Comply with the manifest requirements, pursuant to 40 C.F.R. § 262.20; and
- D. Determine its generator status by meeting the exemption conditions set forth at 40 C.F.R. § 262.34 or comply with the specific requirements set forth at 40 C.F.R. § 270.10.

IV.

FACTUAL ALLEGATIONS AND ALLEGED VIOLATIONS

- 21. Anadarko was incorporated in the state of Delaware on July 22, 1985.
- 22. Respondent is a “person” within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 30 TEX.ADMIN.CODE § 3.2(25), Louisiana Administrative Code (“LAC”) 33: V.109, and 40 C.F.R. § 260.10.
- 23. Respondent, Anadarko is the “owner” and “operator,” of the Facilities at all times relevant to this CAFO and within the meaning of 30 TEX.ADMIN.CODE §§ 335.1(108) and (107), LAC 33:V.109, and 40 C.F.R. § 260.10.
- 24. The primary operation at the Off-Shore Facilities is the exploration, development, and/or the production of petroleum and natural gas. The primary operation at the On-Shore Facilities, is storage and the movement of people, equipment and material (waste and products).
- 25. During the period of August 2014 through August 2017, EPA conducted a RCRA

investigation and record review of Anadarko activities as a generator of hazardous waste, in addition to issuing RCRA Information Requests to Treatment Storage and Disposal Facilities in Region 6 (Investigation).

26. On March 24, 2017, Anadarko provided EPA the response to an informal information Request (Response).

27. From the Investigation, EPA concluded that in general Anadarko generates “solid waste” within the meaning of 30 TEX.ADMIN.CODE § 335.1(138), LAC 33:V.109 and 40 C.F.R. § 261.2, from the Facilities.

28. The exclusion set forth at 40 C.F.R. § 261.4(b)(5) for drilling fluids, produced waters and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy is not applicable to the hazardous waste streams generated at each of the Facilities and are relevant to this CAFO.

29. From the Investigation, EPA concluded that Anadarko generates “hazardous waste” within the meaning of 30 TEX.ADMIN.CODE §§ 335.1 (69) and (70), LAC 33:V.109 and 4903 B and 40 C.F.R. Part 261, Subparts C and D, from the facilities during the Investigation.

30. The Facilities listed in Paragraph 1 are each a “facility” within the meaning of 30 TEX.ADMIN.CODE § 335.1(59), LAC 33:V.109, and 40 C.F.R. § 260.10.

31. For the Facilities listed in Paragraph 1 of this CAFO, Anadarko is a “generator” of “hazardous waste” as those terms are defined in 30 TEX ADMIN.CODE §§ 335.1(65) & (69), LAC 33:V.1090, and 40 C.F.R. § 260.10.

32. As a generator of hazardous waste at or from the facilities, Anadarko is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, LAC Title 33, Part V, Chapter 11, and the regulations set forth at

40 C.F.R. Part 262 and 270.

INDEPENDENCE HUB- MISSISSIPPI CANYON920

33. Anadarko began its operations at the Independence HUB – Mississippi Canyon920 location, on or about May 16, 2007, and continued its operations for all relevant periods of this CAFO.

34. This offshore facility is located approximately 100 miles offshore with latitude N28° 05' 06" and longitude W87° 59' 09".

35. On or about May 16, 2007, the EPA, Region 6 issued the EPA ID F4X982310402.

36. From the Investigation of Respondent's operation at its Independence HUB – Mississippi Canyon920 location, EPA discovered that during the period of 2013 through 2015 Respondent generated the following hazardous waste streams: D001; D002; and F003.

37. From the review of the manifest and TSD data, EPA determined that at a minimum, during 2014 and 2015, Respondent generated respectively 3628 kg, and 3991 kg of hazardous waste at this location and operated as a small quantity generator ("SQG"), triggering the SQG requirements.

MARCO POLO-GREEN CANYON608

38. Anadarko began its operations at the Marco Polo-Green Canyon608 location on or about February 10, 2010, and continued its operations for all periods relevant to this CAFO.

39. This facility is located approximately 93 miles offshore at latitude N27° 06'00" and longitude W90°18'00".

40. On or about February 10, 2010, the EPA, Region 6 issued the EPA ID F4X982310430.

41. From the Investigation of Respondent's operation at its Marco Polo-Green Canyon608 location, EPA discovered that during the period of 2013 through 2015 Respondent generated the following hazardous waste streams: D001; D003; D005; D007; D018; F003; U239; and U154.

42. From the review of the manifest and TSD data, EPA determined that at a minimum,

during 2013 and 2014, Respondent respectively generated 4013 kg and 2357 kg of hazardous waste at this location and operated as a SQG, triggering the SQG requirements.

43. From the review of the manifest and TSD data, EPA determined that at a minimum, during 2015, Respondent generated 58,843 kg of hazardous waste at this location and operated as a large quantity generator ("LQG"), triggering the LQG requirements.

LUCIUS- KEATHLEY CANYON⁸⁷⁵

44. Anadarko began its operations at the Lucius- Keathley Canyon⁸⁷⁵ location on or about April 15, 2015 and continued its operations for all periods relevant to this CAFO.

45. This facility is located approximately 214 miles offshore with latitude "N26° 07' 54.80" and longitude W-092.88° 37' 33.55".

46. On or about April 15, 2015, the EPA, Region 6 issued the EPA ID F4X982310519.

47. From the Investigation of Respondent's operation at its Lucius- Keathley Canyon⁸⁷⁵ location, EPA discovered that during the period of 2015 Respondent generated the following hazardous waste streams: D001; D002; and F003.

48. From the review of the manifest and TSD data, EPA determined that at a minimum, during 2015, Respondent generated 3888 kg of hazardous waste at this location and operated as a SQG, triggering the SQG requirements.

GUNNISON GARDEN BANKS⁶⁶⁸

49. Anadarko began its operations at the Gunnison Garden Banks⁶⁶⁸ location on or about March 3, 2010, and continued its operations for all periods relevant to this CAFO.

50. This offshore facility is located approximately 100 miles offshore with latitude "N27° 45' 41.18" and longitude W90° 45' 50.250".

51. On or about March 3, 2010, the EPA, Region 6 issued the EPA ID F4X982310138.

52. From the Investigation of Respondent's operation at its Gunnison Garden Banks668 location, EPA discovered that during the period of 2013 through 2015, Respondent generated the following hazardous waste streams: D001; D002; D018; F003; and F005.

53. From the review of the manifest and TSD data, EPA determined that at a minimum, during 2013, Respondent generated 7032 kg of hazardous and operated as a SQG, triggering the SQG requirements.

54. From the review of the manifest and TSD data, EPA determined that at a minimum, during 2014 and 2015, Respondent respectively generated 128,068 kg and 11,772 kg of hazardous waste at this location and operated as a LQG, triggering the LQG requirements.

CONSTITUTION- GREEN CANYON BLOCK680

55. Anadarko began its operations at the Constitution- Green CanyonBlock680 location on or about February 10, 2011, and continued its operations for all periods relevant to this CAFO.

56. This offshore facility is located approximately 122 miles offshore, with latitude "N27° 41' 2" and longitude W93° 34' 59".

57. On or about February 10, 2011, EPA, Region 6 issued the EPA ID F4X982310446.

58. From the Investigation of Respondent's operation at its Constitution-Green CanyonBlock680 location, EPA discovered that during the period of 2013 through 2015 Respondent generated the following hazardous waste streams: D001; D002; D003; D005; D007; D018; F003; F005; U154; and U239.

59. From a review of the TSD data EPA determined that at a minimum, during 2013, Respondent generated 8300 kg of hazardous waste at this location and operated as a LQG, triggering the LQG requirements.

60. From a review of the TSD data EPA determined that at a minimum, during 2014 and

2015, Respondent respectively generated 23,083 kg and 45,979 kg of hazardous waste at this location and operated as a LQG, triggering the LQG requirements.

BOOMVANG- EAST BREAKS643

61. Anadarko began its operations at the Boomvang-East Breaks643 location on or about March 3, 2010, and continued its operations for all periods relevant to this CAFO.

62. This offshore facility is located approximately 115 miles offshore, with latitude “N27° 21’ 12.8380” and longitude “W94° 37’ 31.1290.”

63. On or about March 3, 2010, the EPA, Region 6 issued the EPA ID F4X982310047.

64. From the Investigation of Respondent’s operation at its Boomvang-East Break643 location, EPA discovered that during the period of 2013 through 2015 Respondent generated the following hazardous waste streams: D001; D002; and F003.

65. From a review of the TSD data EPA determined that at a minimum, during 2014, Respondent generated 2267 kg of hazardous waste at this location and operated as a SQG, triggering the SQG requirements.

NANSEN- EASTBREAKS602

66. Anadarko began its operations at the Nansen- EastBreaks602 location on or about March 3, 2010, and continued its operations for all periods relevant to this CAFO.

67. This offshore facility is located approximately 119 miles offshore, with latitude “N27° 24’ 49” and longitude “W94° 28’ 0.03”.

68. On or about March 3, 2010, the EPA, Region 6 issued the EPA ID F4X982310039.

69. From the Investigation of Respondent’s operation at its Nansen- Eastbreaks602 location, EPA discovered that during the period of 2013 through 2015 Respondent generated the following hazardous waste streams: D001 and D003.

70. From a review of the TSD data, EPA determined that at a minimum, during 2015, Respondent generated 13,622 kg of hazardous waste at this location and operated as a LQG, triggering the LQG requirements.

FOURCHON SHOREBASE, C-Port 1, LOUISIANA

71. Anadarko began its operations at the Fourchon Shorebase, C-Port 1(Fourchon) on or about 1999, and continued its operations for all periods relevant to this CAFO.

72. The Fourchon facility is located 106 9th Street, C Port 1, Fourchon, Louisiana 70357.

73. From the Investigation of Respondent's operation at its Fourchon facility EPA discovered that during the period of 2013 through 2017 Respondent generated, at a minimum, the following hazardous waste streams: D001, D002, D003, D018, F003, U154, and U239.

74. From a review of the data, EPA determined that Anadarko during the relevant time of this CAFO operated as a LQG at Fourchon, triggering the LQG requirements.

GALVESTION, TEXAS

75. Anadarko began its operations at the Galveston Shorebase (Galveston) location on or about 1999, and continued its operations for all periods relevant to this CAFO.

76. The Galveston facility is located 1800 Sea Wolf Parkway, Galveston, Texas, 77554.

77. From the Investigation of Respondent's operation at its Galveston facility, EPA discovered that during the period of 2013 through 2017 Respondent generated, at a minimum, the following hazardous waste streams: D001, D002, D003, D018, F003, U154, and U239.

78. From a review of the data, EPA determined that Anadarko during the relevant time of this CAFO operated as a LQG at Galveston, triggering the LQG requirements.

CLAIMS FOR RELIEF

OFF-SHORE FACILITIES

First Claim for Relief

(Failure to Submit Subsequent RCRA 3010 Notification(s) for all Seven (7) Facilities)

79. The allegations in Paragraphs 1-70 are realleged and incorporated herein by reference.

80. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating a characteristic or listed hazardous waste shall file with the Administrator a notification stating the location and general description of such activity and the identified characteristic or listed hazardous wastes handled by such person.

81. During the Investigation, EPA determined that for the periods relevant to this CAFO, Anadarko did request and obtained respective EPA Identification numbers for each of the Facilities listed in Paragraph 1.A through G of this CAFO.

82. During the Investigation, EPA determined that for the periods relevant to this CAFO, Anadarko did not file with the Administrator a subsequent notification of hazardous waste activities for the Facilities. Specifically, Respondent did not describe all its waste activities, including locations and general description of such activity and the identified characteristic or listed hazardous wastes generated and managed at the Facilities identified in Paragraph 1.A through G of this CAFO as required by Section 3010(a) of RCRA, 42 U.S.C. § 6930(a)

83. Respondent has violated Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), for its failure to file the required subsequent notification(s) for its Facilities, stating the location and general description of such activity and the identified characteristic or listed hazardous wastes handled by such person.

Second Claim for Relief

(Failures to Make Accurate Hazardous Waste Determinations and Failure to Ship Hazardous Waste on Hazardous Waste Manifest: Nansen East BreakS602 Facility)

84. The allegations in Paragraphs 1-70 are realleged and incorporated herein by reference.

85. Pursuant to 40 C.F.R. § 262.11, Respondent, as a generator of solid waste, is required to make a hazardous waste determination.

86. From the Investigation and a review of Anadarko's Response, EPA determined that July 2, 2015, Respondent shipped 9,831 kilograms of hazardous waste on a non-hazardous waste shipping document.

87. Based on EPA's knowledge of the processes at the Anadarko's Off-Shore Facilities, EPA determined that Anadarko should have identified the waste as a hazardous reactive waste, with the waste code D003, pursuant to 40 C.F.R. § 261.23.

88. Respondent has violated 40 C.F.R. § 262.11 by failing to conduct accurate hazardous waste determinations on all its solid waste streams.

Third Claim for Relief

(Failure to Fully Comply with the Applicable Generator Requirements for all Seven (7) Facilities)

89. The allegations in Paragraphs 1-70 are realleged and incorporated herein by reference.

90. For several instances during the period of 2013 through 2015, EPA determined that for the period such hazardous waste remained onsite, at each of the Facilities listed in Paragraph 1.A through G of this CAFO, Anadarko operated as a SQG in some instances and as a LQG in other instances.

91. Specifically, Anadarko operated at the following facilities as a LQG: (i) Marco Polo Green Canyon 608; (ii) Gunnison- GardenBanks668; (iii) Constitution- Green Canyon680; and (iv)

Nansen-EastBreaks602. Further, Anadarko operated at the following facilities as a SQG: (i) Independence- MississippiCanyon920; (ii) Lucius- KeathleyCanyon875; (iii) Boomvang-EastBreak643; and at various times, operated at Marco Polo and Gunnison as a SQG.

92. From the Investigation and a review of Anadarko's Response, EPA determined that for the Facilities listed in Paragraph 1.A through G of this CAFO, Anadarko's contingency plans, emergency procedures, and training for the respective employees were inadequate and did not comply with the requirements of 40 C.F.R. §§ 262.34(a)(4) and (d)(4) and (5), respectively for LQGs and SQGs.¹

93. From the Investigation and a review of Anadarko's Response, EPA determined that for the periods that Anadarko operated as a LQG and/or SQG at the Facilities and for the years identified in Paragraphs 37, 42, 43, 48, 53, 54, 59, 60, 65, and 70, Anadarko failed to fully or adequately meet the exemption conditions set forth at 40 C.F.R. §§ 262.34(a)(4) and (d)(4) and (5), and therefore violated 40 C.F.R. §§ 270.1 and 270.10.

Fourth Claim for Relief

(Failure to comply with the biennial reporting requirements)

94. The allegations in Paragraphs 1-70 are realleged and incorporated herein by reference.

95. Pursuant to 40 C.F.R. § 262.41(a), a generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a Biennial Report to EPA's Regional Administrator, by March 1 of each even-numbered year.

96. At all times relevant to this CAFO, the EPA did not receive the requisite number of

1. The requirements of 40 C.F.R. §§ 262.34(a)(4)(v) also require that Anadarko complies with the requirements 40 C.F.R. Part 265 Subparts C and D. C.F.R. § 262.41.

Biennial Reports for the following facilities: (i)Marco Polo- Green Canyon608; (ii) Gunnison- GardenBanks668; (iii) Constitution- GreenCanyon680; and (iv) Nansen- EastBreaks602.

97. Respondent did not submit the requisite numbers of biennial reports for all the odd years listed in Paragraphs 43, 54, 60, and 70, when it operated as a LQG and in violation of 40 C.F.R. § 262.41.

Fifth Claim for Relief

(Failure to Comply with the Manifest Requirements)

98. The allegations in Paragraphs 1-70 are realleged and incorporated herein by

99. Pursuant to 40 C.F.R. § 262.20(a)(1), a generator shall not offer its hazardous waste for shipment unless it prepares a standard manifest form (EPA Form 8700-22) according to the instructions found in the Appendix to 40 C.F.R. Part 262.

100. During the period of 2013 through 2015, Respondent generated and offered for shipment hazardous waste, on several manifests, without complying fully with various requirements/instructions found in the Appendix to 40 C.F.R. Part 262.

101. Respondent failed to accurately and adequately prepare its hazardous waste manifests for several shipments of hazardous waste from the following facilities: (i) Marco Polo Green Canyon 608; (ii) Independence- MississippiCanyon920; (iii) Gunnison- GardenBanks668; (iv) Constitution- Green Canyon680; and (v) Nansen-EastBreaks602 in violation of 40 C.F.R. § 262.20(a).

Sixth Claim for Relief

(Failure to Comply with the One-Time Written Notice Requirement, LDR)

102. The allegations in Paragraphs 1-70 are realleged and incorporated herein by reference.

103. Pursuant to 40 C.F.R. § 268.7(a)(2) or 40 C.F.R. § 268.7(a)(3)(i), and in accordance with all applicable requirements of 40 C.F.R. § 268.7, Land Disposal Restrictions (LDR), at a minimum, a

generator with the initial shipment of waste to each treatment, storage, or disposal facility must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in the file.

104. At all times relevant to this CAFO, Anadarko did not retain a copy of the one-time written notice in its file for the waste sent to each treatment, storage, or disposal facility receiving the waste for the following facilities: (i) Independence Hub Mississippi Canyon⁹²⁰; (ii) Marco Polo Green Canyon⁶⁰⁸; (iii) Gunnison- GardenBanks⁶⁶⁸; (iv) Constitution- Green Canyon⁶⁸⁰; (v) Boomvang- East Breaks⁶⁴³; and (vi) Nansen-EastBreaks⁶⁰².

105. Anadarko has therefore violated 40 C.F.R. § 268.7 of the LDR regulations for prohibited waste for its failure to comply with the one-time written notice requirement for the facilities listed in Paragraph 104 above.

LAND-BASED FACILITIES

A. Fourchon Shorebase, C-Port 1, Louisiana (Fourchon)

Seventh Claim for Relief

(Failure to Submit RCRA 3010 Notification(s))

106. The allegations in Paragraphs 1-32 and 71-74 are realleged and incorporated herein by reference.

107. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating, transporting, and/or, owning or operating a facility for treatment, storage, or disposal of a characteristic or listed hazardous waste shall file with the Administrator a notification stating the location and general description of such activity and the identified characteristic or listed hazardous wastes handled by such person.

108. During the Investigation, EPA determined that for the periods 2013 through the relevant periods of 2017, Anadarko did not request and obtain the required EPA Identification number for the Fourchon Facility and did not file with the Administrator a notification of its hazardous waste activities for the Fourchon Facility.

109. Respondent has violated Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), for its failure to file the required notification(s) for its Fourchon Facility, stating the location and general description of such activity and the identified characteristic or listed hazardous wastes handled by such person.

Eighth Claim for Relief

(Failure to Fully Comply with the Applicable Generator Requirements)

110. The allegations in Paragraphs 1-32 and 106-109 are realleged and incorporated herein by reference.

111. During the period of 2013 through 2017, EPA determined that for the period such hazardous waste remained onsite, at the Fourchon Facility, Anadarko operated as a LQG because Respondent, in some instances, generated hazardous waste streams in quantities that triggered the LQG exemption conditions, by deciding that it had no further use for unused chemical products that had been transferred from Off-Shore Facilities to its Fourchon facility.

112. From the Investigation and a review of Anadarko's Response, EPA determined that Anadarko did not have in place contingency plans, emergency procedures, and/or implemented training for the Respondent's employees, and therefore did not comply with the requirements for a LQG.

113. From the Investigation and a review of Anadarko's Response, EPA determined that for the periods of 2013 through 2017, Anadarko operated as a LQG at the Fourchon Facility and failed to fully or adequately meet the exemption conditions set forth at LAC 33:V.1109.E, [40 C.F.R. § 262.34(a)(4)(v)], and therefore violated 40 C.F.R. §§ 270.1 and 270.10.

Ninth Claim for Relief

(Failure to comply with the Annual/biennial reporting requirements)

114. The allegations in Paragraphs 1-32 and 106-109 are realleged and incorporated herein by reference.

115. Pursuant to LAC 33:V.1111.B.1(a) through (h), [40 C.F.R. § 262.41(a)], a generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a Biennial Report to EPA's Regional Administrator, by March 1 of each even-numbered year.

116. EPA has determined that for the periods of 2013 through 2016, Anadarko did not submit the requisite number of Biennial Reports, specifically for the years 2013 and 2015 for the Fourchon Facility.

117. For its non-submittal of the required Biennial Reports for the years 2013 and 2015, Respondent operated the Fourchon Facility in violation of LAC 33:V.1111.B, [40 C.F.R. § 262.41].

Tenth Claim for Relief

(Failures to Make Accurate Hazardous Waste Determinations)

118. The allegations in Paragraphs 1-32 and 106-109 are realleged and incorporated herein by reference.

119. Pursuant to LAC 33:V.1103, [40 C.F.R. § 262.11], Respondent, as a generator of solid waste, is required to make a hazardous waste determination.

120. From the Investigation and a review of Anadarko's Response, EPA determined that during the period of 2013 through 2017, Anadarko generated several solid waste streams and did not make complete and/or accurate hazardous waste determinations.

121. Based on EPA's knowledge of the processes at Anadarko's Fourchon Facility, EPA determined that Anadarko generated several waste streams, to include D001, F003, U154, and U239, at said Facility. In some instances, Anadarko made inadequate hazardous waste determination for the waste it generated at the Fourchon Facility for the period set forth in Paragraph 120 of this CAFO.

122. Respondent has violated LAC 33:V.1103, [40 C.F.R. § 262.11] by failing to conduct accurate hazardous waste determinations on all its solid waste streams.

Eleventh Claim for Relief

(Failure to Comply with the One-Time Written Notice Requirement, LDR)

123. The allegations in Paragraphs 1-32 and 106-109 are realleged and incorporated herein by reference.

124. Pursuant to LAC 33:V.2245, [40 C.F.R. §§ 268.7(a)(2) or 268.7(a)(3)(i)], and in accordance with all applicable requirements of 40 C.F.R. § 268.7, at a minimum, a generator with the initial shipment of waste to each treatment, storage, or disposal facility must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in the file.

125. For the periods of 2013 through 2017, in some instance, Anadarko did not maintain a copy of the one-time written notice in its file sent to each treatment, storage, or disposal facility receiving the waste from the Fourchon Facility.

126. Anadarko has therefore violated 30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. § 268.7] of the LDR regulations for prohibited waste for its failure to comply with the one-time written notice requirement for the Fourchon Facility.

Twelfth Claim for Relief

(Failure to Ship Hazardous Waste to a Permitted Treatment, Storage, and/or Disposal Facility)

127. The allegations in Paragraphs 1-32 and 106-109 are realleged and incorporated herein by reference.

128. Pursuant to LAC 33:V.1105.C, [40 C.F.R. § 262.12(c)], when sending waste offsite a generator must offer its hazardous waste to a transporter, or to a treatment, storage, and/or disposal facility that has received an active EPA identification number and the required permit (or interim status) necessary to receive and manage the generator's waste.

129. For the periods of 2013 and 2017, in some instances, Respondent determined that it had no further use for certain chemical products contained in tanks. The chemicals were hazardous waste after Respondent determined it had no further use for the chemicals. Respondent sent said tanks to a tank cleaning facility, before the waste was eventually shipped to a permitted treatment storage, and disposal facility. In these instances, Respondent did not directly send its hazardous waste from the Fourchon Facility to a facility that had a permit or interim status pursuant to the requirements of LAC 33:V. Chapters 3 and 5 (40 C.F.R. §§ 270.1 and 270.10).

130. For the periods of 2013 and 2017, Anadarko routinely shipped its unused chemical products determined as hazardous waste streams (of D001, D002, D018, F003, U154, and U239) to a facility that had not received an EPA identification number.

131. Respondent has therefore violated LAC 33:V.1105.C [40 C.F.R. § 262.12(c)] by sending its hazardous waste to a facility that was and is not permitted to treat, store, and/or dispose of hazardous waste.

B. Galveston, Texas (“Galveston”)

Thirteenth Claim for Relief

(Failure to Submit RCRA 3010 Notification(s))

132. The allegations in Paragraphs 1-32 and 75-78 are realleged and incorporated herein by reference.

133. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating, transporting, and/or, owning or operating a facility for treatment, storage, or disposal of a characteristic or listed hazardous waste shall file with the Administrator a notification stating the location and general description of such activity and the identified characteristic or listed hazardous wastes handled by such person.

134. During the Investigation, EPA determined that for the periods 2013 through the relevant periods of 2017, Anadarko did not request and obtain the required EPA Identification number for the Galveston Facility and did not file with the Administrator a notification of its hazardous waste activities for the Galveston Facility.

135. Respondent has violated Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), for its failure to file the required notification(s) for its Galveston Facility, stating the location and general description of such activities and the identified characteristic or listed hazardous wastes handled by such person.

Fourteenth Claim for Relief

(Failure to Fully Comply with the Applicable Generator Requirements)

136. The allegations in Paragraphs 1-32 and 132-135 are realleged and incorporated herein by reference.

137. During the period of 2013 through 2017, EPA determined that for the period such hazardous waste remained onsite, at the Galveston Facility, Anadarko operated as a LQG because

Respondent, in some instances, generated hazardous waste streams in quantities that triggered the LQG exemption conditions, by deciding that it had no further use for unused chemical products that had been transferred from Off-Shore facilities to its Galveston facility.

138. From the Investigation and a review of Anadarko's Response, EPA determined that Anadarko did not have in place contingency plans, emergency procedures, and/or implemented training for the Respondent's employees, and therefore did not comply with the requirements of a LQG.

139. From the Investigation and a review of Anadarko's Response, EPA determined that for the periods of 2013 through 2017, Anadarko operated as a LQG at the Galveston Facility and failed to fully or adequately meet the exemption conditions set forth at 30 TEX.ADMIN.CODE, Chapter 335, Subchapter C, [40 C.F.R. §§ 262.34(a)(4)(v)], and therefore violated 30 TEX.ADMIN.CODE § 335.2, [40 C.F.R. §§ 270.1 and 270.10].

Fifteenth Claim for Relief

(Failure to comply with the Annual/biennial reporting requirements)

140. The allegations in Paragraphs 1-32 and 132-135 are realleged and incorporated herein by reference.

141. Pursuant to 30 TEX.ADMIN.CODE § 335.71, [40 C.F.R. § 262.41(a)], a generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a Biennial Report to EPA's Regional Administrator, by March 1 of each even-numbered year.

142. EPA has determined that for the periods of 2013 through 2016, Anadarko did not submit the requisite number of Biennial Reports, specifically for the years 2013 and 2015 for the Galveston Facility.

143. For its non-submittal of the required Biennial Reports for the years 2013 and 2015, Respondent operated the Galveston Facility in violation of 30 TEX.ADMIN.CODE § 335.71, [40 C.F.R. § 262.41(a)].

Sixteenth Claim for Relief

(Failures to Make Accurate Hazardous Waste Determinations)

144. The allegations in Paragraphs 1-32 and 132-135 are realleged and incorporated herein by reference.

145. Pursuant to 30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. § 262.11(c)], a person who generates a solid waste, as defined in 30 TEX.ADMIN.CODE § 335.1, [40 C.F.R. § 261.2], must determine if the waste is hazardous either by applying the required test method or by applying its knowledge of the hazardous characteristic of the waste in light of the materials or the processes used. Respondent, as a generator of solid waste, is required to make a hazardous waste determination.

146. From the Investigation and a review of Anadarko's Response, EPA determined that during the period of 2013 through 2017, Anadarko generated several solid waste streams and did not make complete and accurate hazardous waste determinations.

147. Based on EPA's knowledge of the processes at Anadarko's Galveston Facility, EPA determined that Anadarko generated several waste streams, to include D001, F003, U154, and U239, at said Facility. In some instances, Anadarko made inadequate hazardous waste determinations for the waste it generated at the Galveston Facility for the period set forth in Paragraph 146 of this CAFO.

148. Respondent has violated 30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. § 262.11 (c)] by failing to conduct accurate hazardous waste determinations on all its solid waste streams.

Seventeenth Claim for Relief

(Failure to Comply with the One-Time Written Notice Requirement, LDR)

149. The allegations in Paragraphs 1-32 and 132-135 are realleged and incorporated herein by reference.

150. Pursuant to 30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. §§ 268.7(a)(2) or 268.7(a)(3)(i)], and in accordance with all applicable requirements of 40 C.F.R. § 268.7, at a minimum, a generator with the initial shipment of waste to each treatment, storage, or disposal facility must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in the file.

151. For the periods of 2013 through 2017, in some instances, Anadarko did not retain a copy of the one-time written notice in its file sent to each treatment, storage, or disposal facility receiving the waste from the Galveston Facility.

152. Anadarko has therefore violated 30 TEX.ADMIN.CODE § 335.62, [40 C.F.R. § 268.7] of the LDR regulations for prohibited waste for its failure to comply with the one-time written notice requirement for the Galveston Facility.

Eighteenth Claim for Relief

(Failure to Ship Hazardous Waste to a Permitted Treatment, Storage, and/or Disposal Facility)

153. The allegations in Paragraphs 1-32 and 132-135 are realleged and incorporated herein by reference.

154. Pursuant 30 TEX.ADMIN.CODE § 335.63(b), [40 C.F.R. § 262.12(c)], when sending waste offsite, a generator must offer its hazardous waste to a transporter, or to a treatment, storage, and/or disposal facility that has received an active EPA identification number and the required permit (or interim status) necessary to receive and manage the generator's waste.

155. For the periods of 2013 and 2017, in some instances Respondent determined that it had no further use for certain chemical products contained in tanks. The chemicals were hazardous waste after Respondent determined it had no further use for the chemicals. Respondent sent said tanks to a tank cleaning facility. In these instances, Respondent did not directly send its hazardous waste from the Galveston Facility to a facility that had a permit or interim status pursuant to the requirements of 30 TEX.ADMIN.CODE § 335.2, [40 C.F.R. §§ 270.1 and 270.10].

156. For the periods of 2013 and 2017, Anadarko routinely shipped its unused chemical products determined as hazardous waste streams of D001, D002, D018, F003, U154, and U239 to a facility that had not received an EPA identified number, before the waste was eventually shipped to a permitted treatment, storage, and disposal facility.

157. Respondent has therefore violated 30 TEX.ADMIN.CODE § 335.63(b), [40 C.F.R. § 262.12(c)] by sending its hazardous waste to a facility that was and is not permitted to treat, store, and/or dispose of hazardous waste.

V. COMPLIANCE ORDER

158. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within Three hundred and sixty-five (365) calendar days of the effective date of this CAFO, Respondent shall provide in writing the following to EPA:

- A. Respondent shall certify that it has assessed all its solid waste streams at each Facility listed in Paragraph 1 of this CAFO to determine the accurate waste codes and has developed and implemented standard operating procedures (“SOPs”) for each Facility to ensure that Anadarko is operating in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (i) making hazardous waste determinations; (ii) managing hazardous wastes; (iii) reporting,

transporting, and disposing of hazardous waste; (iv) preparing its manifests; (v) keeping the required records; and (vi) meeting the requirements of LDR regulations;

- B. Respondent shall certify that it has accurately and adequately complied with its RCRA Section 3010 Notification, where applicable, for each Facility and within the prescribed time period, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930;
- C. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph A above; and
- D. If Respondent cannot comply within three hundred and sixty-five (365) calendar days of the effective date of this CAFO, Respondent shall notify EPA and request an extension of time, including a timetable for compliance. EPA will grant an extension of up to three hundred and sixty-five (365) calendar days. If Respondent determines that it needs longer than the additional three hundred and sixty-five (365) calendar days to come into compliance, Respondent will need to initiate a conference call with EPA to discuss the rationale for the delay, before EPA will grant additional extensions.

159. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of Anadarko and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. Environmental Protection Agency
Compliance Assurance and Enforcement Division
Waste Enforcement Branch

Waste Compliance II Section (6EN-H2)

1445 Ross Avenue

Dallas, TX 75202-2733

Attn: Fred Deppe

In the alternative, documents required by this CAFO may be sent to Fred Deppe via email at

Deppe.Fred@epa.gov.

VI.

TERMS OF SETTLEMENT

i. Penalty Provisions

160. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Factual Allegations and Alleged Violations, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of One Million Three Hundred Eight-Three Thousand One Hundred and Sixty-Four Dollars (\$1,383,164.00). The Penalty shall be paid within thirty (30) days of the effective date of this CAFO, and made payable to the Treasurer United States.

161. The following are Respondent's options for transmitting the penalties:

Regular Mail, U.S. Postal Mail (including certified mail) or U.S. Postal Service Express Mail, the check should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

U.S. Bank
Government Lockbox 979077
US EPA Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
314-418-1028

Wire Transfer:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

The case name and docket number (In the Matter of Anadarko Petroleum Corporation
Docket No. RCRA-06-2018-0903) shall be clearly documented on or within Respondent's chosen
method of payment to ensure proper credit.

162. The Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Mark Potts, Chief
Waste Enforcement Branch (6EN-H)
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Attention: Fred Deppe

Adherence to this request will ensure proper credit is given when penalties are received by EPA.

163. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by
law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States

and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

ii. Cost

164. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 104-121), and any regulations promulgated pursuant to those Acts.

iii. Termination and Satisfaction

165. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall so certify in writing and in accordance with the certification language set forth in Section V (Compliance Order), Paragraph 158 of this CAFO. Unless the EPA, objects in writing within sixty (60) days of EPA's

receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

166. This CAFO resolves the claims set forth in Section IV, Factual Allegations and Alleged Violations, and Anadarko, and its officers, directors, employees, and affiliated entities are released from civil liabilities for causes of action associated with those claims that relate to the Facilities for the years 2011 through 2015 as provided in 40 C.F.R. §§ 22.18(c) and 22.31 upon the termination of this CAFO.

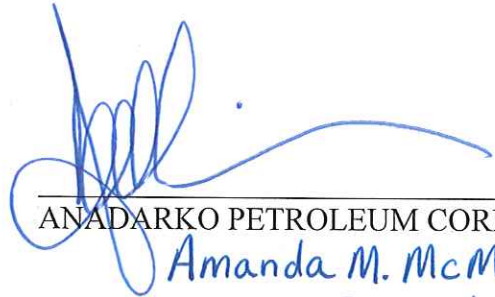
iv. Effective Date of Settlement

167. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT
AGREEMENT AND FINAL ORDER:**

FOR THE RESPONDENT:

Date: 11-29-2017



ANADARKO PETROLEUM CORPORATION

Amanda M. McMillian
Sr. Vice President

FOR THE COMPLAINANT:

Date: 11/30/17



Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 12/6/17



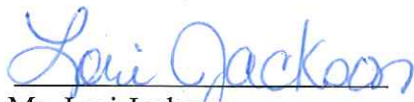
Thomas Rucki
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of December, 2017, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was sent to the following by the method identified below:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7014 0150 0000 2454 4494

ANADARKO PETROLUEM CORPORATION
Sean J. Urvan
Senior Counsel
Anadarko Petroleum Corporation
1201 Lake Robbins Drive
The Woodlands, TX 77380
(832) 636-1664 (Office)
(832) 636-8002 (Fax)


Ms. Lori Jackson
Paralegal